



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11770US03

***In the Reissue Application of:***

AINSWORTH et al.

***Serial No.*** 09/143,503

***Filed:*** August 28, 1998

***Patent No.*** 5,554,121

***Issued:*** September 10, 1996

***For:*** INTRALUMINAL CATHETER WITH  
HIGH STRENGTH PROXIMAL  
SHAFT

***Examiner:*** John D. Yasko, Jr.

***Group Art Unit:*** 3763

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 22, 2000.

By: George Wheeler  
George Wheeler  
Reg. No. 28,766

**SUPPLEMENTAL DECLARATION  
for  
REISSUE PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Reissue

Each applicant identified below hereby declares as follows:

1. I believe the original U.S. Patent No. 5,554,121 to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent.

2. In particular, respecting the error identified below, on information and belief, the original U.S. Patent No. 5,554,121 is partly inoperative by reason of the patentee claiming less than the patentee had the right to claim in the patent.

3. On information and belief, the following is an error being relied upon as the basis for reissue. Claim 1 of U.S. Patent No. 5,554,121, as originally issued, requires as one element a dilatation balloon. Claim 1 recites:

"1. A balloon dilatation catheter comprising:

a) a proximal catheter shaft portion formed at least in part of an extruded engineering thermoplastic polymeric material with a tensile strength greater than 10,000 psi, an elongation greater than 50% and a tensile modulus greater than 300,000 psi, having proximal and distal ends and having a first inner lumen extending therein to the distal end;

b) a distal catheter shaft portion being more flexible than the proximal catheter shaft portion, having proximal and distal ends and a second inner lumen extending from the proximal end of the distal shaft portion to a location proximal to the distal end of the distal catheter shaft portion and being in fluid communication with the first inner lumen extending within the proximal catheter shaft portion; and

c) an expandable dilatation balloon on the distal catheter shaft portion having an interior in fluid communication with the second inner lumen extending within the distal shaft portion."

(Emphasis added.) On information and belief, claim 1 of U.S. Patent No. 5,554,121 includes less than the patentee is entitled to claim because the invention described in the specification of U.S. Patent No. 5,554,121 is not limited to balloon catheters.

4. For example, the specification of U.S. Patent No. 5,554,121, in the Summary of the Invention section, states:

"This invention is directed to an intraluminal catheter which has at least part of the shaft thereof formed of a melt processable engineering thermoplastic polymer material and preferably an aromatic polymer."

U.S. Patent No. 5,554,121, col. 1, lines 58-61. On information and belief, the quoted part of the specification supports claims to an intraluminal catheter that does not have a dilatation balloon.

5. On information and belief, this error is being corrected by submitting, in this reissue application, claims 18-23 and 26-56 that would cover but are not limited to a catheter having a balloon.

6. Every error in the patent that was corrected in the present reissue application, and that is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicants.

7. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this declaration.

8. I believe the named inventors to be the original and the first inventors of the subject matter which is claimed and for which a patent is sought.

9. I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR 1.56.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful

false statements may jeopardize the validity of the application or any patent issued thereon.

This declaration names 3 inventor(s) below.

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Information about sole or first inventor:

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Date Signed: \_\_\_\_\_

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(Signed by Robert D. Ainsworth on behalf of the omitted inventor)

Date Signed: \_\_\_\_\_

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*Lawrence D. Wasicek*

Date Signed: \_\_\_\_\_

*2/15/00*